

1 William L. Schmidt, Esq. (Bar No. 206870)
bschmidt@ncinternet.net
2 215 W. Fallbrook Ave., Suite 103
Fresno, California 93711
3 Telephone: (559) 261-2222
Facsimile: (559) 436-8163

4 LAW OFFICES OF DALE K. GALIPO
5 Dale K. Galipo, Esq. (Bar No. 144074)
dalekgalipo@yahoo.com
6 21800 Burbank Boulevard, Suite 310
Woodland Hills, California 91367
7 Telephone: (818) 347-3333
Facsimile: (818) 347-4118

8
9 Attorneys for Plaintiff

10
11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 ROBERT CONTRERAS

14 Plaintiff,

15 vs.

16 CITY OF LOS ANGELES; JULIO
17 BENAVIDES; MARIO FLORES; and
18 DOES 1-10, inclusive,
19 Defendants.

Case No. **CV11 01480 SS**
COMPLAINT FOR DAMAGES

1. Unreasonable Search and Seizure
and Due Process—Excessive Force
and Denial of Medical Care (42
U.S.C. § 1983)
2. Municipal Liability for
Unconstitutional Custom, Practice,
or Policy (42 U.S.C. § 1983)

20
21 **DEMAND FOR JURY TRIAL**

22
23 **COMPLAINT FOR DAMAGES**

24 Plaintiff ROBERT CONTRERAS, for his complaint against Defendants
25 CITY OF LOS ANGELES, and Does 1-10, inclusive, allege as follows:
26
27
28



COPY

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

11 FEB 17 PM 2:46

FILED

1 **INTRODUCTION**

2 1. This civil rights action seeks compensatory and punitive damages from
3 Defendants for violating various rights under the United States Constitution and
4 state law in connection with the police shooting of Plaintiff.

5
6 **PARTIES**

7 2. At all relevant times, Robert Contreras ("PLAINTIFF") was an
8 individual residing in County of Los Angeles, California.

9 3. At all relevant times, Defendant CITY OF LOS ANGELES ("CITY")
10 is and was a duly organized public entity, form unknown, existing under the laws of
11 the State of California. At all relevant times, CITY was the employer of Defendants
12 JULIO BENAVIDES, MARIO FLORES and DOES 1-4, who were CITY Police
13 Officers, DOES 5-6, who were CITY supervisory officers, and DOES 7-10, who
14 were managerial, supervisory, and policymaking employees of the CITY Police
15 Department. On information and belief, at all relevant times, DOES 1-10 were
16 residents of County of Los Angeles, California. DOES 1-10 are sued in their
17 individual capacity.

18 4. At all relevant times, Defendants DOES 1-10 were duly authorized
19 employees and agents of CITY, who were acting under color of law within the
20 course and scope of their respective duties as police officers and with the complete
21 authority and ratification of their principal, Defendant CITY.

22 5. At all relevant times, Defendants DOES 1-10 were duly appointed
23 deputies and/or employees or agents of CITY, subject to oversight and supervision
24 by CITY's elected and non-elected officials.

25 6. In doing the acts and failing and omitting to act as hereinafter
26 described, Defendants DOES 1-10 were acting on the implied and actual permission
27 and consent of CITY.

1 7. At all times mentioned herein, each and every CITY defendant was the
2 agent of each and every other CITY defendant and had the legal duty to oversee and
3 supervise the hiring, conduct and employment of each and every CITY defendant.

4 8. The true names of defendants DOES 1 through 10, inclusive, are
5 unknown to Plaintiff, who therefore sue these defendants by such fictitious names.
6 Plaintiff will seek leave to amend this complaint to show the true names and
7 capacities of these defendants when they have been ascertained. Each of the
8 fictitious named defendants is responsible in some manner for the conduct and
9 liabilities alleged herein.

10 9. On March 10, 2009, PLAINTIFF's criminal proceedings stemming
11 from the officer involved shooting ended, thereby, tolling the statute of limitations
12 for civil rights claims brought under 42 U.S.C. § 1983, until March 10, 2011.

13
14 **JURISDICTION AND VENUE**

15 10. This civil action is brought for the redress of alleged deprivations of
16 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the
17 Fourth Amendments of the United States Constitution. Jurisdiction is founded on
18 28 U.S.C. §§ 1331, 1343, and 1367.

19 11. Venue is proper in this Court under 28 U.S.C. § 1391(b), because
20 Defendants reside in, and all incidents, events, and occurrences giving rise to this
21 action occurred in, the County of Los Angeles, California.

22
23 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

24 12. Plaintiff repeats and realleges each and every allegation in paragraphs 1
25 through 11 of this Complaint with the same force and effect as if fully set forth
26 herein.

27 13. On or about September 3, 2005, near the intersection of Broadway and
28 Main Street in the City of Los Angeles Defendants JULIO BENAVIDES and

1 MARIO FLORE discharged their firearms at PLAINTIFF, striking him several
2 times, causing PLAINTIFF serious physical injury including permanent paralysis.

3 14. At the time of the shooting, PLAINTIFF was unarmed and posed no
4 imminent threat of death or serious physical injury to either officer or any other
5 person.

6
7 **FIRST CLAIM FOR RELIEF**

8
9 **Unreasonable Search and Seizure and Due Process—Excessive Force and**
10 **Denial of Medical Care (42 U.S.C. § 1983)**

11 (Against Defendants JULIO BENAVIDES and MARIO FLORE)

12 15. Plaintiff repeats and realleges each and every allegation in paragraphs 1
13 through 14 of this Complaint with the same force and effect as if fully set forth
14 herein.

15 16. Defendants JULIO BENAVIDES and MARIO FLORE unjustified
16 shooting deprived PLAINTIFF of his right to be secure in his persons against
17 unreasonable searches and seizures as guaranteed to PLAINTIFF under the Fourth
18 Amendment to the United States Constitution and applied to state actors by the
19 Fourteenth Amendment.

20 17. The unreasonable use of force by Defendants JULIO BENAVIDES and
21 MARIO FLORE deprived the PLAINTIFF of his right to be secure in his person
22 against unreasonable searches and seizures as guaranteed to PLAINTIFF under the
23 Fourth Amendment to the United States Constitution and applied to state actors by
24 the Fourteenth Amendment.

25 18. As a result, PLAINTIFF suffered extreme pain and suffering and
26 eventually suffered permanent paralysis and loss of earning capacity.

27 19. As a result of the conduct of Defendants JULIO BENAVIDES and
28 MARIO FLORES, they are liable for PLAINTIFF's injuries, either because they

1 were integral participants in the excessive force, or because they failed to intervene
2 to prevent these violations.

3 20. Defendants JULIO BENAVIDES and MARIO FLORES knew that
4 failure to provide timely medical treatment to PLAINTIFF could result in further
5 significant injury or the unnecessary and wanton infliction of pain, but disregarded
6 that serious medical need, causing him great bodily harm.

7 21. This use of force was excessive and unreasonable under the
8 circumstances. Defendants' actions thus deprived PLAINTIFF of his right to be
9 free from unreasonable searches and seizures under the Fourth Amendment and
10 applied to state actors by the Fourteenth Amendment.

11 22. The conduct of Defendants JULIO BENAVIDES and MARIO
12 FLORES was willful, wanton, malicious, oppressive and done with reckless
13 disregard for the rights and safety of PLAINTIFF and therefore warrants the
14 imposition of exemplary and punitive damages as to Defendants JULIO
15 BENAVIDES and MARIO FLORES.

16
17 **SECOND CLAIM FOR RELIEF**

18 **Municipal Liability for Unconstitutional Custom or Policy (42 U.S.C. § 1983)**
19 **(Against Defendants DOES 7-10 and CITY)**

20 23. Plaintiff repeats and realleges each and every allegation in paragraphs 1
21 through 22 of this Complaint with the same force and effect as if fully set forth
22 herein.

23 24. On and for some time prior to September 3, 2005 (and continuing to the
24 present date) Defendants DOES 7-10, deprived PLAINTIFF of the rights and
25 liberties secured to him by the Fourth and Fourteenth Amendments to the United
26 States Constitution, in that said defendants and their supervising and managerial
27 employees, agents, and representatives, acting with gross negligence and with
28 reckless and deliberate indifference to the rights and liberties of the public in

1 general, and of PLAINTIFF, and of persons in their class, situation and comparable
2 position in particular, knowingly maintained, enforced and applied an official
3 recognized custom, policy, and practice of:

- 4 (a) Employing and retaining as police officers and other personnel,
5 including Defendants JULIO BENAVIDES and MARIO
6 FLORES, who Defendants DOES 7-10, at all times material
7 herein knew or reasonably should have known had dangerous
8 propensities for abusing their authority and for mistreating
9 citizens by failing to follow written CITY Police Department's
10 policies, including the use of excessive force;
- 11 (b) Of inadequately supervising, training, controlling, assigning, and
12 disciplining CITY Police Officers, and other personnel,
13 including Defendants JULIO BENAVIDES and MARIO
14 FLORES, who Defendants CITY knew or in the exercise of
15 reasonable care should have known had the aforementioned
16 propensities and character traits, including the propensity for
17 violence and the use of excessive force;
- 18 (c) By maintaining grossly inadequate procedures for reporting,
19 supervising, investigating, reviewing, disciplining and
20 controlling the intentional misconduct by Defendants JULIO
21 BENAVIDES and MARIO FLORES, who are Police Officers of
22 CITY;
- 23 (d) By failing to discipline CITY Police Officers' conduct, including
24 but not limited to, unlawful detention and excessive force;
- 25 (e) By ratifying the intentional misconduct of Defendants JULIO
26 BENAVIDES and MARIO FLORES, who are Police Officers of
27 CITY;
28

- 1 (f) By having and maintaining an unconstitutional policy, custom,
2 and practice of detaining and arresting individuals without
3 probable cause or reasonable suspicion, and using excessive
4 force, including deadly force, which also is demonstrated by
5 inadequate training regarding these subjects. The policies,
6 customs, and practices of DOES 7-10, were done with a
7 deliberate indifference to individuals' safety and rights; and
8 (g) By failing to properly investigate claims of unlawful detention
9 and excessive force by CITY Police Officers.

10 25. By reason of the aforementioned policies and practices of Defendants
11 DOES 7-10, PLAINTIFF was severely injured and subjected to pain and suffering.

12 26. Defendants DOES 3-10, together with various other officials, whether
13 named or unnamed, had either actual or constructive knowledge of the deficient
14 policies, practices and customs alleged in the paragraphs above. Despite having
15 knowledge as stated above these defendants condoned, tolerated and through actions
16 and inactions thereby ratified such policies. Said defendants also acted with
17 deliberate indifference to the foreseeable effects and consequences of these policies
18 with respect to the constitutional rights of PLAINTIFF and other individuals
19 similarly situated.

20 27. By perpetrating, sanctioning, tolerating and ratifying the outrageous
21 conduct and other wrongful acts, Defendants DOES 7-10, acted with an intentional,
22 reckless, and callous disregard for the life of PLAINTIFF and his constitutional
23 rights. Defendants DOES 7-10, each of their actions were willful, wanton,
24 oppressive, malicious, fraudulent, and extremely offensive and unconscionable to
25 any person of normal sensibilities.

26 28. Furthermore, the policies, practices, and customs implemented and
27 maintained and still tolerated by Defendants DOES 7-10, were affirmatively linked
28 to and were a significantly influential force behind the injuries of PLAINTIFF.

4 30. Accordingly, Defendants DOES 7-10, each are liable to PLAINTIFF
5 for compensatory damages under 42 U.S.C. § 1983.

7 | **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff request entry of judgment in her favor and against
9 Defendants City of Los Angeles, Julio Benavides, Mario Flores and Does 1-10,
10 inclusive, as follows:

- 11 A. For general damages in the amount to be proven at trial;
12 B. For special damages according to proof; including medical
13 expenses and loss of earnings;
14 C. For punitive damages against the individual defendants in an
15 amount to be proven at trial;
16 D. For interest;
17 E. For reasonable costs of this suit and attorneys' fees; and
18 F. For such further other relief as the Court may deem just, proper,
19 and appropriate.

21 DATED: Februar 16. 2011

21 DATED: Februar 16. 2011 LAW OFFICES OF DALE K. GALIPO

23 Bv Dale K. Galipo
24 Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: February 16, 2011

LAW OFFICES OF DALE K. GALIPO

By

Dale K. Galipo
Attorney for Plaintiff

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
CENTRAL DISTRICT OF CALIFORNIA

ROBERT CONTRERAS

Plaintiff

v.

CITY OF LOS ANGELES, JULIO BENA VIDES, MARIO
FLORES, and DOES 1-10, inclusive

Defendants

CV11 01480 SS

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

CITY OF LOS ANGELES, JULIO BENA VIDAS, MARIO FLORES, and DOES 1-10 inclusive
City Hall
Los Angeles City Clerk
200 North Spring St.
Los Angeles, CA 90012
(213) 485-2121

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

LAW OFFICES OF DALE K. GALIPO
Dale K. Galipo, Esq. (CA SBN: 144074)
21800 Burbank Boulevard, Suite 310
Woodland Hills, CA 91367
Telephone: (818) 347-3333 / Facsimile: (818) 347-4118
Email: dalekgalipo@yahoo.com / dgalipo@galipolaw.com

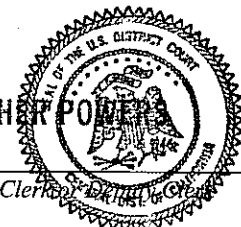
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: February 17, 2011

CLERK OF COURT

CHRISTOPHER POPE

Signature of Clerk



1181

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

(a) **PLAINTIFFS** (Check box if you are representing yourself ☐)
ROBERT CONTRERAS

DEFENDANTS

CITY OF LOS ANGELES; JULIO BENA VIDAS; MARIO FLORES; and DOES 1-10, inclusive,

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Dale K. Galipo, Esq. (CA SBN: 144074)
LAW OFFICES OF DALE K. GALIPO
 21800 Burbank Boulevard, Suite 310
 Woodland Hills, CA 91367
 Telephone (818) 347-3333
 Facsimile (818) 347-4118
 E-mail: dalekgalipo@yahoo.com

Attorneys (If Known)

COPY

BASIS OF JURISDICTION (Place an X in one box only.)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

VI. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

ASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☐ **MONEY DEMANDED IN COMPLAINT: \$**

I. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 unreasonable Search and Seizure an Due Process-Excessive Force and Denial of Medical Care (42 U.S.C § 1983); Municipal Liability for unconstitutional Custom, Practice, or Policy (42 U.S.C § 1983)

II. NATURE OF SUIT (Place an X in one box only.)

400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/ Other	<input type="checkbox"/> 740 Railway Labor Act
460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 22 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 61 HIA(1395ff)
875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW 405(g))
891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 864 SSID Title XVI
892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
895 Freedom of Info. Act	<input type="checkbox"/> 245 Tort Product Liability				
900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property				
950 Constitutionality of State Statutes					

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

II(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
Yes, list case number(s): _____

II(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
Yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

VENUE: (When completing the following information, use an additional sheet if necessary.)

List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
COUNTY OF LOS ANGELES	

List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

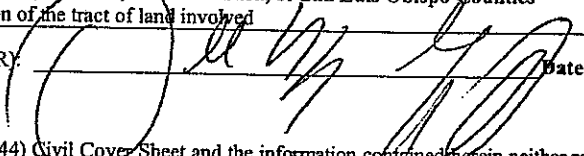
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
COUNTY OF LOS ANGELES	

List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
COUNTY OF LOS ANGELES	

Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
 Note: In land condemnation cases, use the location of the tract of land involved

SIGNATURE OF ATTORNEY (OR PRO PER):



Date

02-16-11

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained therein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))